

**DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT****FILING A CLAIM**

AN EMPLOYEE OR FORMER EMPLOYEE MAY FILE AN **INDIVIDUAL WAGE CLAIM** TO RECOVER:

- Unpaid wages (including commissions and bonuses) – Labor Code §§ 200, 201, and 202
- Wages paid by check issued with insufficient funds – Labor Code § 212
- Final paycheck not received – Labor Code §§ 201, 202, and 203
- Unused vacation hours which were not paid – Labor Code § 227.3
- Unauthorized deductions from paychecks – Labor Code §§ 221 and 224
- Unpaid expenses – Labor Code § 2802
- Reinstatement and/or back wages as a result of discrimination – Labor Code § 98.7(c)

For a listing of the types of complaints, which can be filed with this office, contact the Public Information Unit to request a list.

ANY EMPLOYEE, FORMER EMPLOYEE, OR GROUP OF EMPLOYEES MAY FILE A **GENERAL CLAIM** TO REPORT THE FOLLOWING:

- Failure of employer to issue written wage deduction statements – Labor Code § 226, IWC Orders
- Violations of garment manufacturing laws – Labor Code §§ 2670-2681
- Violations of child labor laws – Labor Code §§ 1285-1384
- Violations of farm labor laws – Labor Code §§ 1682-1698.7
- Failure to have workers' compensation insurance – Labor Code § 3700
- Violations of wage and hour laws – Labor Code §§ 500-558, IWC Orders
- Payment of prevailing wages on public works projects – Labor Code § 1775

WHAT IS THE TIME PERIOD FOR FILING A CLAIM?

A claim based on an oral agreement must be filed within 2 years or within 4 years if based on a written agreement. A claim for unpaid overtime or minimum wages must be filed within 3 years. (Code of Civil Procedure §338) Discrimination complaints must be filed within 6 months of termination or other discriminatory acts. [Labor Code § 98.7(a)] However, it is recommended that you file as soon as possible.

WHERE DO I FILE?

Claims should be filed at the Office of the Labor Commissioner nearest your place of employment (or former employment) or in the county where you performed the work. See addresses on reverse side.

FOR QUICK CLAIM PROCESSING

All information should be completed on the claim form to avoid delay in the claim process. Copies of any documents you have to support your claim should be attached to your claim form.

WHAT HAPPENS NEXT?

Once you have submitted your claim form, you will be contacted by mail and provided the name and phone number of the representative handling your claim. For additional information, refer to the pamphlet titled "Policies and Procedures for Wage Claim Processing".